

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 4:02CR3158-2  
                                )  
Plaintiff,                 )  
                                )  
vs.                         ) **MEMORANDUM**  
                               )  
ALI ABDUL-AZEZ SOFYAN, ) **AND ORDER**  
                               )  
Defendant.                 )

This matter comes on to consider the government's motion and request for hearing pursuant to Rule 35(b) (filing 147). Having considered the matter,

IT IS ORDERED that:

- (1) The court construes the government's motion (filing 147) as a motion under Federal Rule of Criminal Procedure 35(b), the sentencing statutes and Guidelines. Therefore the defendant's motion to compel filing of a Rule 35 motion and supporting brief (filings 133 and 142) are denied as moot.
- (2) The government's request for hearing is granted.
- (3) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 147) has been set before the undersigned United States district judge on Tuesday, August 23, 2005, at 12:30 p.m., in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- (4) At the request of the defendant through his counsel, the defendant would like to participate in the hearing by telephone.
- (5) The Marshal is directed not to return the defendant to the district.

(6) The defendant is held to have waived his right to be present.

July 27, 2005.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge